

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07CV544

ANNIE R. SMITH on behalf of  
ALFRED T. THOMAS (minor)

Plaintiff,

vs.

U.S. DEPARTMENT OF EDUCATION,  
CHARLOTTE-MECKLENBURG SCHOOL  
BOARD OF EDUCATION,  
MICHELE E. MORRIS,  
RAYMOND GIOVANELLI, MUFFET GARBER,  
MARIA B. PETREA, J  
AMES G. MIDDLEBROOKS,  
MARK W. JOHNSON

Defendants.

**ORDER**

**THIS MATTER** is before this Court on its own motion. For the reasons set forth below, this action is **DISMISSED**.

Plaintiff's Complaint alleges that Defendants violated 42 U.S.C. § 1983, 42 U.S.C. § 1985, and "Title 18 and Title 28" by, among other allegations, denying Alfred Thomas "equal educational opportunity . . . access to testing," committing "malicious libel [and] defamation," and "failing to enforce Federal Laws & Statutes, the Civil Rights Act of 1964, Constitutional Rights of Student and/or parents, Congressional Acts." (Complaint, Document #1)

These allegations are wholly frivolous, and accordingly, Plaintiff's Complaint is **DISMISSED**.

THEREFORE IT IS ORDERED that this Complaint is **DISMISSED**

Signed: December 26, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

